

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

IN RE:

Case No. 08-64284

DELBERT McFOLLEY and  
SHARON McFOLLEY,

Chapter 13

Debtors.  
\_\_\_\_\_ /

Judge Thomas J. Tucker

**ORDER DENYING MOTION FOR RECONSIDERATION**

This case comes before the Court on "Debtors' Objection to Entry of Order of Creditors Land Contract Equities, Inc.'s Motion for Relief from Automatic Stay," filed on November 5, 2009 (Docket # 62, the "Motion"), which this Court construes as a motion for reconsideration of, and for relief from, the November 4, 2009 Order granting relief from the automatic stay (Docket # 61), and

The Court having reviewed and considered the Motion, and

The Court finds the Motion fails to demonstrate a palpable defect by which the Court and the parties have been misled, and that a different disposition of the case must result from a correction thereof. *See* Local Rule 9024-1(a)(3).

The Court also finds that the allegations in the Motion do not establish excusable neglect under Fed.R.Civ.P. 60(b)(1), FedR.Bankr.P. 9024, or any other valid ground for relief from the order granting relief in this case.

In addition, the Court notes the following. The Motion does not allege facts from which the Court could determine that there was any *excusable* neglect in the failure by Debtors and Debtors' attorney to timely file a response to the October 16, 2009 stay-relief motion at issue. And inexcusable neglect by Debtors' attorney generally is chargeable to the Debtors. *See*

*Pioneer Investment Services Co. v. Brunswick Associates Limited Partnership*, 507 U.S. 380, 396-97 (1993)(in assessing whether there was excusable neglect, “the proper focus is upon whether the neglect of [the movants] *and their counsel* was excusable.”)(italics in original).

NOW, THEREFORE,

IT IS ORDERED that the Motion should be, and is, DENIED.

**Signed on November 05, 2009**

/s/ Thomas J. Tucker  
**Thomas J. Tucker**  
**United States Bankruptcy Judge**